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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,234

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EXAMINER

VO, THANH DUC

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/599,234	<b>Applicant(s)</b> NAKAMURA ET AL.	
	<b>Examiner</b> Thanh D. Vo	<b>Art Unit</b> 2189	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 1-12, 18, 19, 21, 22 and 26-33 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1-12, 18, 19, 21, 22, 26-33 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 11, 2011 has been entered. Claims 1-12, 18, 19, 21, 22 and 26-33 are presented for examination. Claims 1-12, 18, 19, 21, 22 and 26-33 are pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12, 18, 19, 21, 22 and 26-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Hwang et al. (US Pub 2004/0246851).

As per claims 1, 8, 18, 19, 21-22, 26, and 30, Hwang et al. discloses a recording apparatus for recording second information on a write-once recording medium having first information recorded thereon, the recording apparatus comprising:

a host apparatus (Fig. 11, item 29); and

a drive apparatus (Fig. 11, item 21), wherein the host apparatus includes a storage section for storing the second information (wherein it is readily apparent that the data is to be recorded from the host storage system); and

an instruction section (See Fig. 11, item 23) for transferring a first file structure of the first information from an area for recording user data of the write-once recording medium to the first memory (See paragraphs 0096 and 0101, wherein the user data (first information) in the recorded defect area #1 (file structure) is to be verified if it is defective and store in the memory), generating a second file structure (spare are) for the second information (replacement data #1) based on the first file structure and instructing the drive apparatus to record the stored second information on the write-once recording medium (See paragraphs 0007-0008 and 0101, wherein once the defect data block from the user data area has been verified, a replacement data block is stored in the spare area based on the defect area that has been verified),

and wherein the drive apparatus includes

a generation section (See Fig. 12B, step 43 and Fig. 11, item 28) for generating correlation information for correlating a first address information of the first file structure and a second address information of the second file structure (See Fig. 7, wherein the

starting and ending address information are correlated so that the system can determine which one is the starting and ending);

a head section (See Fig. 11, wherein the head is writing to the write once disk 22) for recording the second information on the write-once recording medium; and

a control section (See Fig. 11, the control section is attached to the head) for controlling the head section to record the second information and the correlation information on the write-once recording medium. See Fig. 12B, step 41.

As per claims 2, 9, and 14, Hwang et al. discloses a recording apparatus according to claim 1, wherein the first information includes file management information, the second information includes update information generated by updating the file management information, the generation section generates first correlation information for correlating the file management information and the update information and the control section controls the head section to record the update information and the first correlation information on the write-once recording medium. See paragraphs 0059 and 0063.

As per claims 3, 6, 10, and 15, Hwang et al. discloses a recording apparatus according to claim 2, wherein the write-once recording medium includes at least one first track (Fig. 4, lead-in area) and at least one second track (Fig. 4, data area) which is different from the at least one first track, the at least one first track is an area for recording the file management information and the at least one second track is an area

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for recording user data. See Fig. 2 and Fig. 4, wherein the lead-in area is in a different track compares to the user data area. See paragraph 0057. Although a track is not shown, it is readily apparent to one having an ordinary skill in the art to recognize that the manufactured disk contains plurality of tracks for lead-in area to store the required data information.

As per claims 4, 11, and 16, Hwang et al. discloses a recording apparatus according to claim 2, wherein the host apparatus further includes an obtaining section for obtaining last location information indicating a last location of information recorded on the write-once recording medium (See Fig. 7, ending location); and

a determination section (See Fig. 11, item 28) for determining a recording location of data based on the last location information (See paragraph 0087), and

the control section controls the head section such that the head section records the data at the recording location. See paragraph 0083, wherein it is readily apparent that the header control section has to move the head so that data can be record to disk.

As per claims 5, 12, and 17, Hwang et al. discloses a recording apparatus according to claim 1, wherein the first information further includes management information (See paragraph 0059, lines 10-17), the management information managing the file management information, the second information includes first update information generated by updating the management information and the generation section generates second correlation information for correlating the management

information and the first update information, the control section controls the head section to record the first update information and the second correlation information on the write-once recording medium. See paragraphs 0095-0096.

As per claims 6 and 15, Hwang et al. discloses a recording apparatus according to claim 5, wherein the write-once recording medium includes at least one first track and at least one second track which is different from the at least one first track, the at least one first track is an area for recording the file management information and the at least one second track is an area for recording user data. See Fig. 2, wherein the lead-in area is in a different track compares to the user data area. See paragraph 0057. Although a track is not shown, it is readily apparent to one having an ordinary skill in the art to recognize that the manufactured disk contains plurality of tracks for lead-in area to store the required data information.

As per claim 7, Hwang et al. discloses a recording apparatus according to claim 5, wherein the host apparatus further includes an obtaining section for obtaining last location information indicating a last location of information recorded on the write-once recording medium (See Fig. 7, ending location); and

a determination section for determining a recording location of data based on the last location information (See Fig. 7, ending location, wherein the information is provided so that the controller can detect the last location), and

the control section controls the head section such that the head section records the data at the recording location. See Fig. 8, control section connects to the head to write to the media 22.

As per claim 27, Hwang et al. discloses a reproducing apparatus, wherein the first information includes file management information, the second information includes update information generated by updating the file management information, the generation section generates first correlation information for correlating the file management information and the update information and the control section controls the head section to reproduce the update information and the first correlation information on the write-once recording medium. See paragraphs 0059, 0063 and 0089.

As per claims 28 and 32, Hwang et al. discloses a reproducing apparatus, wherein the write-once recording medium includes at least one first track (Fig. 4, lead-in area) and at least one second track (Fig. 4, data area) which is different from the at least one first track, the at least one first track is an area for reproducing the file management information and the at least one second track is an area for recording user data. See Fig. 2 and Fig. 4, wherein the lead-in area is in a different track compares to the user data area. See paragraphs 0057 and 0089. Although a track is not shown, it is readily apparent to one having an ordinary skill in the art to recognize that the



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manufactured disk contains plurality of tracks for lead-in area to store the required data information.

As per claim 29, Hwang et al. discloses a reproduction apparatus, wherein the first information further includes management information, the management information managing the file management information, the second information includes first update information generated by updating the management information, second correlation information for correlating the management information and the first update information is recorded on the write-once recording medium and the control section controls the head section to reproduce the first update information from the write-once recording medium based on the second correlation information. See paragraphs 0089 and 0095-0096.

As per claims 31, Hwang et al. discloses a host apparatus according to claim 30, wherein the first information includes file management information and the second information includes update information generated by updating the file management information. See paragraphs 0059 and 0063.

As per claim 33, Hwang et al. discloses a host apparatus according to claim 31, wherein the first information further includes management information, the management information managing the file management information and the second information

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includes first update information generated by updating the management information.

See paragraphs 0059 and 0063.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 8, 18, 19, 21, 26, and 30 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment. Examiner has correspondingly updated the rejections of the amended claims as shown above. All claims that are depending directly or indirectly to the independent claims are also rejected.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh D. Vo whose telephone number is (571)272-0708. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reginald G. Bragdon can be reached on 571-272-4204. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh D Vo/  
Examiner, Art Unit 2189

/Reginald G. Bragdon/  
Supervisory Patent Examiner, Art Unit 2189